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Attorneys for Debtors and Reorganized Debtors

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION,

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY,**

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

** All papers shall be filed in the Lead Case, No.
19-30088 (DM).*

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**EX PARTE APPLICATION PURSUANT TO
LOCAL BANKRUPTCY RULE 9006-1(C)
FOR AN ORDER MODIFYING DATES AND
DEADLINES REGARDING OBJECTION TO
CLAIM OF AMIR SHAHMIRZA AND
KOMIR, INC.**

[Related to Dkt. Nos. 12130, 13920, 13921]

1 PG&E Corporation and Pacific Gas and Electric Company, as debtors and reorganized debtors
2 (collectively, the “**Reorganized Debtors**”) in the above-captioned chapter 11 cases (the “**Chapter 11**
3 **Cases**”) hereby submit this *Ex Parte* Application (the “**Application**”) pursuant to Rule 9006-1(c) of the
4 Local Bankruptcy Rules for the United States District Court for the Northern District of California (the
5 “**Local Rules**”) for an order resetting certain dates and deadlines with respect to Proof of Claim
6 Nos. 2090 and 109855 filed by Amir Shahmirza (Agent for Komir, Inc.) and Komir, Inc. (together,
7 “**Shahmirza**,” and, with the Reorganized Debtors, the “**Parties**”). In support of the Application, the
8 Reorganized Debtors submit the Declaration of Steven A. Lamb filed concurrently herewith and
9 respectfully represent as follows.

10 On March 20, 2019, Mr. Shahmirza filed proof of claim number 2090 in the Chapter 11 Cases.
11 On April 8, 2022, the Reorganized Debtors filed the *Reorganized Debtors’ Objection to Proof of Claim*
12 *No. 2090 Filed by Amir Shahmirza* (the “**Objection**”) [Docket No. 12130]. On January 31, 2023,
13 Shahmirza (as agent of, and acting on behalf of, Komir, Inc.) filed proof of claim number 109855 in the
14 Chapter 11 Cases, amending proof of claim number 2090. The Parties filed summary judgment briefing
15 regarding the Objection, and, on June 12, 2023, the Court issued its *Memorandum Decision on Motion*
16 *for Partial Summary Judgment and Counter-Motion for Summary Judgment* [Dkt. No. 13832] and
17 corresponding *Order Granting Motion for Partial Summary Judgment* [Dkt. No. 13833] and *Order*
18 *Denying Counter-Motion for Summary Judgment* [Dkt. No. 13834]. On July 11, 2023, the Court held a
19 status conference on the Objection, after which the Parties conferred regarding discovery and further
20 dispositive motions and agreed to the schedule represented in the left-hand column below. Shahmirza
21 filed the *Second Motion for Partial Summary Judgment of Issues in Reorganized Debtors’ Objection to*
22 *Claim 2090 and Claimant’s Response Thereto* [Dkt. No. 14007] (the “**Second MSJ**”) on September 5,
23 2023.

24 The dates and deadlines as currently scheduled do not allow sufficient time for the Parties to
25 (1) complete percipient discovery and obtain a transcript from the court reporter in order to respond to
26 the Second MSJ, if necessary, or (2) complete expert reports, exchange expert reports, complete expert
27 discovery, and conduct a mediation that the Parties have been in discussing. The Reorganized Debtors
28 also require additional time in order to evaluate the merits of filing a separate action for eminent domain

regarding the subject property, which would have the potential to moot the Second MSJ. The Reorganized Debtors' proposed modified briefing schedule is as follows:

Current Date	Event	Proposed Date
October 6, 2023	Written Discovery Completion Deadline	October 6, 2023 (no change)
October 12, 2023	Deposition of Amir Shahmirza and Komir, Inc.	October 12, 2023 (no change)
October 15, 2023	Percipient Witness Deposition Deadline	October 15, 2023 (no change)
October 20, 2023	Reorganized Debtors' Deadline to Respond to Second MSJ	January 22, 2024
November 17, 2023	Deadline for Plaintiff to file Reply	February 12, 2024
November 18, 2023	Deadline to Exchange Expert Reports	November 18, 2023 (no change)
December 19, 2023 (Per Dkt. No. 13935)	Hearing on Second MSJ	Week of March 19, 2024, subject to the Court's calendar
TBD	Further Status Conference to set trial and pre-trial matters	TBD (no change)
December 31, 2023	Deadline to complete expert depositions	December 31, 2023 (no change)
Late Jan. or early Feb. 2024 (subject to agreement by Parties or court approval)	Trial	Early April 2024 or thereafter, subject to the Court's calendar

The Parties have not made any previous modifications to the briefing schedule on the Second MSJ. B.L.R. 9006-1(c)(2). The above changes to the briefing schedule will not have a significant effect on the schedule of the resolution of the Objection. B.L.R.9006-1(c)(3). The short continuance will allow for more fulsome discovery, which will enable the Debtors to more fully respond to the Second MSJ. Moreover, the additional time will allow the Parties to conduct a mediation, which might fully resolve the dispute. As required by B.L.R. 9006-1(c)(4), the Reorganized Debtors have requested that Shahmirza agree to a 60- to 90-day continuance of the briefing schedule. However, Shahmirza denied that request despite the Reorganized Debtors having agreed to similar requests from Shahmirza earlier in this case.

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1 WHEREFORE the Reorganized Debtors respectfully request entry of an order modifying the
2 dates and deadlines with respect to the Objection as set forth above.

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4 Dated: October 10, 2023

KELLER BENVENUTTI KIM LLP

5 By: /s/ Thomas B. Rupp
6 Thomas B. Rupp

7 *Attorneys for Debtors and Reorganized Debtors*
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